

(e) *Environmental impact statement (EIS)*. An EIS is a detailed written statement required by NEPA for major Federal actions with significant environmental effects (42 U.S.C. 4321, section 102(2)(c)). (See appendix C.) (See subpart F for requirements.)

(f) *Life cycle environmental document (LCED)*. The LCED is intended to be a programmatic assessment that addresses the known and reasonably foreseeable environmental impacts of a proposed item/system during all phases of development, production, use, and ultimate disposal of the item/system. The LCED may be in the form of an EA or an EIS, and must be supplemental to address additional significant environmental impacts as conditions change. The LCED will be prepared by the DA proponent/developer (or program manager) and is most frequently used within the materiel research, development, and acquisition community.

(g) *Record of Decision (ROD)*. A public ROD is required under the provisions of 40 CFR 1505.2 after completion of an EIS. Nevertheless, the ROD is not considered to be an environmental document since the decision considers other factors in addition to environmental issues. (See § 651.32(i) for application.)

§ 651.15 Optional documents.

The following additional documents may assist in the implementation of this regulation. These documents are optional, but their use is encouraged.

(a) *Environmental planning guide*. Prepared prior to or at the outset of a major program concept exploration. It is a concise (for example, 10-page) document intended for use by the program planners and designers. It provides guidelines and supporting rationale by which planners and designers could prevent, avoid, or minimize adverse environmental effects through environmentally sensitive design and planning. Through appropriate language in the scope of work, contractors can be encouraged or required to use such an environmental planning guide.

(b) *Environmental planning record*. This records the progress and process of environmental considerations throughout a given program's development. Ideally, it is a document that is written when the program commences.

There is no set form; it may be a journal with periodic entries, a file of memoranda, trip reports, and so forth. This document is a visible track record of how environmental factors have actually been considered and incorporated throughout the planning process. Through appropriate language in the scope of work, contractors can be encouraged or required to prepare an environmental planning record, or parts thereof.

(c) *Environmental monitoring report*. This report is prepared at one or more points after program or action execution. Its purpose is to determine the accuracy of impact predictions. It can serve as the basis for adjustments in mitigation programs and to adjust impact predictions in future projects.

Subpart D—Categorical Exclusions (CX)

§ 651.16 Introduction.

(a) The use of CX is intended to reduce paperwork and delay and eliminate unnecessary EA and EIS preparation. CX is defined in the Glossary.

(b) The following criteria will be used to determine those categories of actions that normally do not require either an EIS or EA:

(1) Minimal or no individual or cumulative effect on environmental quality.

(2) No environmentally controversial change to existing environmental conditions.

(3) Similarity to actions previously examined and found to meet the above criteria.

§ 651.17 Determining when to use a CX.

In order to use the CX provision, the proponent must take the following actions:

(a) Determine whether the proposal is encompassed by one of the categories not normally requiring the preparation of an EA or EIS. (See appendix A.)

(b) Determine if there are any extraordinary circumstances that may result in the proposed action having an impact on the human environment that would require an EA or EIS. These circumstances include—

(1) Greater scope or size than normally experienced for a particular category of action.

(2) Potential for degradation, even though slight, of already existing poor environmental conditions. Also, initiation of degrading influence, activity, or effect in areas not already significantly modified from their natural condition.

(3) Employment of unproven technology.

(4) Presence of threatened or endangered species and their habitats, archaeological materials, historical places, or other protected resources.

(5) Use of hazardous or toxic substances that may come in contact with the surrounding natural environment. Nevertheless, a categorical exclusion exists for use of hazardous and toxic substances under adequately controlled conditions within established laboratory buildings that are designed for, and in compliance with, regulatory standards. Adequately controlled conditions includes complying with AR 385-10 and all other applicable Army safety and preventive medicine regulations for the processing of hazardous and toxic substances, and complying with the Resource Conservation and Recovery Act (RCRA) for their disposal.

(6) Proposed actions affecting areas of critical environmental concern. These include, but are not limited to, prime or unique agricultural lands, wetlands, coastal zones, wilderness areas, aquifers, floodplains, or wild and scenic river areas.

(c) Determine whether all the screening criteria in appendix A are true for the proposal.

(d) If the proposed action qualifies for one of the CX, no analytical environmental document is necessary. However, if a REC (Figure 3) is required by the CX listing in appendix A, a REC will be completed and signed by the proponent. Consultation between the proponent and the installation environmental coordinator is required.

§ 651.18 CX actions.

Types of actions that normally qualify for CX are listed in appendix A.

§ 651.19 Modification of the CX list.

The Army list of CXs is subject to continual review and modification. Send, for review, requested additional modifications to the Army Environmental Office. Subordinate Army headquarters may not modify the CX list through supplements to this regulation. Upon approval, proposed modifications to the list of CXs will be published in the FEDERAL REGISTER by the Army Environmental Office. This provides an opportunity for public review and comment.

Subpart E—Environmental Assessment (EA)

§ 651.20 Introduction.

An EA is made to determine the extent of environmental impacts of a project and decide whether or not those impacts are significant. It is not required for actions that are subject to categorical exclusion or exclusion from environmental review by law. (See 40 CFR 1508.9.) The EA is described in § 651.14(b).

§ 651.21 Conditions requiring an EA.

An EA is required when the proposed action has the potential for—

(a) Cumulative impact on environmental quality when combining effects of other actions or when the proposed action is of lengthy duration.

(b) Release of harmful radiation or hazardous/toxic chemicals into the environment.

(c) Violation of pollution abatement Standards.

(d) Some harm to culturally or ecologically sensitive areas.

§ 651.22 Actions normally requiring an EA.

The following actions normally require an EA:

(a) Special field training exercise or test activity on Army land of a nature or magnitude not within the annual installation training cycle.

(b) Military construction, including contracts for off-post construction.

(c) An installation pesticide, fungicide, herbicide, insecticide, and rodenticide-use program.